



# Justices of the Peace Act 1997 (repealed)

## 1997 CHAPTER 25

### PART II

#### JUSTICES OF THE PEACE

##### *Justices other than [F1District Judges (Magistrates' Courts)]*

#### **10 Travelling, subsistence and financial loss allowances.**

- (1) Subject to the provisions of this section, a justice of the peace shall be entitled—
  - (a) to receive payments by way of travelling allowance or subsistence allowance where expenditure on travelling or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any of his duties as a justice; and
  - (b) to receive payments by way of financial loss allowance where for that performance he incurs any other expenditure to which he would not otherwise be subject or he suffers any loss of earnings or of benefit under the enactments relating to social security which he would otherwise have made or received.
- (2) For the purposes of this section a justice following a training course under a scheme made in accordance with arrangements approved by the Lord Chancellor, or a training course provided by the Lord Chancellor, shall be treated as acting in the performance of his duties as a justice.
- (3) A justice shall not be entitled to any payment under this section in respect of any duties if—
  - (a) in respect of those duties a payment of the like nature may be paid to him under arrangements made apart from this section; or
  - (b) regulations provide that this section shall not apply.
- (4) A [F1District Judge (Magistrates' Courts)] shall not be entitled to any payment under this section in respect of his duties as such.

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*Status: Point in time view as at 31/08/2000. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed), Section 10. (See end of Document for details)*

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- (5) Allowances payable under this section shall be paid at rates determined by the Lord Chancellor with the consent of the Treasury.
- (6) An allowance payable under this section shall be paid—
- (a) in the case of an allowance payable in respect of duties as a justice in the Crown Court, by the Lord Chancellor; and
  - (b) in the case of an allowance otherwise payable to a justice for any commission area in respect of his duties as such, by the appropriate authority.
- (7) In subsection (6)(b) above, “the appropriate authority”<sup>[F2]</sup> means, in relation to a justice—
- (a) the council of the local government area which consists of or includes the petty sessions area for which he acts; or
  - (b) where he acts for a petty sessions area which is partly included in two or more local government areas, the councils of those local government areas.]
- <sup>[F3]</sup>(8) In subsection (7) above “local government area” means—
- (a) in relation to England, [the City of London, a London borough,] a metropolitan district, a non-metropolitan county for which there is a council or a unitary district; and
  - (b) in relation to Wales, a county or a county borough;
- and for the purposes of that subsection the Common Council shall be regarded as the council of the City of London.]
- (9) Where by virtue of <sup>[F4]</sup>subsection (7)(b)] above an allowance under this section is payable jointly by two or more councils the manner in which it is to be borne by each of them shall be determined by agreement between them or, in default of agreement, by the Lord Chancellor.
- (10) Regulations may make provision as to the manner in which this section is to be administered, and in particular—
- (a) for prescribing the forms to be used and the particulars to be provided for the purpose of claiming payment of allowances; and
  - (b) for avoiding duplication between payments under this section and under other arrangements where expenditure is incurred for more than one purpose, and otherwise for preventing abuses.
- (11) Regulations for the purposes of this section shall be made by the Lord Chancellor by statutory instrument.
- (12) A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** Words in s. 10(4) substituted (31.8.2000) by 1999 c. 22, s. 78, Sch. 11 paras. 43, 46 (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(a)
- F2** S. 10(7)(a)(b) and immediately preceding words substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3), Sch. 10 paras. 47, 49 (with Sch. 14 para. 7(2))
- F3** S. 10(8) substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), Sch. 10 paras. 47, 49(1)(3) (with Sch. 14 para. 7(2))

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**Status:** Point in time view as at 31/08/2000. This version of this provision has been superseded.

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**F4** Words in s. 10(9) substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), Sch. 10 paras. 47, **49(1)(4)** (with Sch. 14 para. 7(2))

**Status:**

Point in time view as at 31/08/2000. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed), Section 10.